IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 3866 of 2007(I)

PETITIONER:

RURAL EDUCATIONAL AND SOCIAL TRUST
REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.K.S.MENON

RESPONDENTS:
---

1. COMMISSIONER FOR ENTRANCE
EXAMINATION, HOUSING BOARD BUILDING,
GANDHI NAGAR, TRIVANDRUM.

2. UNIVERSITY OF CALICUT,
THANNIPPALAM, UNIVERSITY P.O.,
MALAPPURAM DISTRICT.

R1 BY GOVT. PLEADER SRI.I.V.PRAMOD
R2 BY ADV.SRI.P.C.SASIDHARAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON 02/04/2007 DELIVERED THE FOLLOWING:

APPENDIX IN WPC.3866/07

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER 19502/H2/04/LAW DATED 1.11.2004 FROM THE 2ND RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.3866 OF 2007

Dated this the 2nd day of April, 2007

JUDGMENT

The petitioner has a B.Ed. college. Allotments have been made by the first respondent Commissioner for Entrance Examinations. This writ petition is filed alleging that the fee collected towards the merit quota seats have not been made over by the first respondent to the petitioner.

2. At the stage of admission, there was some controversy as to whether all admissions have been duly made. Accordingly, on 12.2.05, I ordered the first respondent to cause an inspection. Following that, Annexure R1 report dated 2.320.07 has been placed on record by the first respondent, along with an affidavit. That report Annexure R1 will be appended as Annexure to this judgment.

3. Going by the aforesaid report, the admission details of 50 candidates alloted under Government quota (merit quota) were

verified and found to be in accordance with the allotment made by the Commissioner of Entrance Examination. Therefore, the first respondent has to, necessarily, make over the amount collected from those candidates to the petitioner. It is so ordered. Such amounts shall be released to the petitioner within a period of two weeks from the date of receipt of a copy of this judgment.

4. The aforesaid report also disclose that there is a likelihood of some of the students admitted in the management quota ultimately turning out to be unqualified in terms of the University laws. In the aforesaid circumstances, it is further directed that the second respondent University shall advert to the Annexure to this judgment and make such independent assessment of the situations as it may deem necessary and fit in the circumstances, to ensure that no student is ultimately driven to situations where they cannot appear for the University examinations. The second respondent will bestow due attention

to the aforesaid report (Annexure to this judgment) and take such action as may be found necessary, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.